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INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
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RUEHKA/AMEMBASSY DHAKA 1475
RUEHNE/AMEMBASSY NEW DELHI 2488
RUEHPB/AMEMBASSY PORT MORESBY 4121
RUEHUL/AMEMBASSY SEOUL 5207
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RUEHHK/AMCONSUL HONG KONG 3150
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C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 002213

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, DRL/AWH

E.O. 12958: DECL: 12/09/2018

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SUBJECT: PRESIDENT SIGNS CONTROVERSIAL ANTI-PORNOGRAPHY BILL INTO LAW

REF: JAKARTA 2083 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

¶1. (U) This message was coordinated with Consulate General Surabaya.

¶2. (C) SUMMARY: President Yudhoyono has signed into law the controversial anti-pornography bill. Opponents--who see the law as a potential threat to civil liberties--plan to challenge the legislation in the courts. By signing the law, President Yudhoyono was clearly catering to conservative Muslim parties, a calculated move ahead of next year's elections. That said, he has been careful not to be seen as a strong supporter of the measure and his advisors have indicated that they will urge authorities to enforce the bill in a lenient, flexible manner. END SUMMARY.

PRESIDENT SIGNS BILL

¶3. (U) The Presidential Palace has confirmed that President Yudhoyono has signed into law the anti-pornography bill. The Indonesian parliament had passed the bill on October 30 (see reftels). The President had 30 days to sign the bill into law. If he had not signed the bill, it would have become law after 30 days in any case per Indonesian regulation. The President's action was not done publicly; perhaps because of the controversy it has engendered (see below), he signed the legislation behind closed doors. One of his advisors was quoted as stating that the President signed the law because it was already a matter of "national consensus."

DEEP CONCERNS

¶4. (SBU) Supporters of the law say its aim is to constrain the distribution of pornography in Indonesia. It provides for long-term jail terms and large fines for violation of the bill's provisions. The bill was strongly supported by Muslim-oriented parties in the DPR, including the influential Prosperous Justice Party (PKS). These parties make a point of regularly criticizing modern Indonesian society as being socially "decadent" and too influenced by Western values.

¶ 15. (SBU) That said, the law has sparked strong opposition--including street protests--from secular leaning Indonesians and civil libertarians. While underscoring their opposition to pornography, opponents charge that the bill is overly broad. They note that its "Article I" defines pornography so liberally that a person could easily be arrested for design, art or fashion having to do with the human body. Some women have also wondered whether they could be arrested for wearing certain types of clothes in public. Another controversial provision allows ordinary citizens to get involved in the enforcement of the law, potentially leading to vigilante action by Muslim groups. Overall, opponents have told us that the bill could easily be used by Muslim religious conservatives to constrain personal liberties.

¶ 16. (SBU) Criticism has also come from several largely non-Muslim sections of Indonesia. The governor of the predominantly Hindu province of Bali has publicly stated that the province holds the bill to be unconstitutional and therefore will not implement its provisions when it becomes law. The Head of the Bali Tourism Board (BTB), Ida Bagus Ngurah Wijaya, said the trade group supported a legal challenge to the law. There has also been opposition from the mainly Christian region of Papua in eastern Indonesia.

IMPLEMENTATION IS THE QUESTION

¶ 17. (C) The main question at this point is how stringently authorities will implement the law. Already, the GOI has indicated that it will be cautious in this area. Indonesian Vice President Jusuf Kalla--who supports the law--has

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stressed that implementation must be done carefully. An advisor to the President told us the same thing. (Note: Presidential legal adviser Adnan Buyung Nasution has already publicly announced his opposition to the law, noting that he had failed to convince the President to oppose it.) Dealing with the issue of provincial-level concerns about the law, a senior official with the Ministry of Law and Human Rights told us that regional governments would have great leeway to enforce the law according to local values.

TEA LEAVES INDICATE A LEGAL FIGHT

¶ 18. (C) Several organizations intend to challenge the law in the Constitutional Court. Patrick Daulay, Chair of the Protestant Indonesian Communion of Churches (PGI), recently told poloff that the law violates constitutional protections and will face legal challenge. Legal Aid Institute for Women (LBH-APIK) and other major civil society organizations told us they would join forces in appealing to the courts. There is some information to the effect that the Constitutional Court will be sympathetic to any appeal.

¶ 19. (C) By signing the law, President Yudhoyono was clearly catering to conservative Muslim parties, a calculated move ahead of next year's elections. That said, aware of the controversy over the matter, he has been careful not to be seen as a strong supporter of the measure. As noted, it all comes down to implementation: if authorities implement the law in a harsh, inflexible manner, there will be problems, including more street protests.

HUME